

The Honorable Tana Lin  
United States District Court Judge

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

KURT A. BENSHOOF, BRIANA D. GAGE, and )  
UVRE MAGGITI ) No. 2:24-cv-00343-TL  
)  
Plaintiffs, ) DECLARATION OF SANTIAGO  
v. ) VIOLA VILLANUEVA IN SUPPORT  
CITY OF SHORELINE, KING COUNTY, ) OF DEFENDANT'S MOTION TO  
TOWN & COUNTRY MARKETS, EVAN B. ) DISMISS PURSUANT TO FED. R.  
FAGAN, WILLIAM C. AKERS, MR. ) CIV. P. 12b  
THOMPSON, JAMPA TSETEN, NICHOLAS )  
W. DEMUSE, COURTNEY J. OLSON, ADAM ) *Noted for March 7, 2025*  
R. AHSER and ANN M. SUMMERS )  
Defendants. )  
)

I, Santiago Viola Villanueva, declare as follows:

1. I am over the age of 18 and I am competent to testify as to the matters stated herein. I am the representing Defendants Shoreline, King County, Senior Deputy Prosecuting Attorney Ann Summers, Deputies Akers and DeMuse, and Detectives Thompson and Tseten in this case.
  2. Attached as **Exhibits A** is a true and correct copy of the Order Granting Defendant's joint Motion for Vexations Litigant Order Against Plaintiff [Benshoof], and Temporary

**DECLARATION OF SANTIAGO VIOLA VILLANUEVA  
IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS  
PURSUANT TO FED. R. CIV. P. 12b [No. 3:24-cv-00343-TL] - 1**

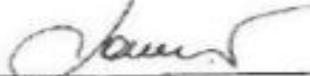
**Leesa Manion (she/her)**  
Prosecuting Attorney  
CIVIL DIVISION, Litigation Section  
701 5<sup>th</sup> Avenue, Suite 600  
Seattle, Washington 98104  
(206) 477-1120 Fax (206) 296-0191

- 1 Order Restricting Abusive Litigation By Kurt Benshoof filed on March 6, 2023, in  
 2 *Benshoof v. Cliber et al.*, King County Superior Court Cause No. 22-2-15958-8 SEA  
 3. Attached as **Exhibit B** is a true and correct copy of the Order Restricting Abusive  
 4 Litigation of Kurt Benshoof file on March 31, 2023, in *Benshoof v. Cliber et al.*, King  
 5 County Superior Court Cause No. 22-2-15958-8 SEA  
 6. Attached as **Exhibit C** is a true and correct copy of the Clerk's Minutes regarding a  
 7 contempt motion against Kurt Benshoof, filed on February 29, 2024, in *Benshoof v.*  
 8 *Cliber et al.*, King County Superior Court Cause No. 22-2-15958-8 SEA.  
 9. Attached as **Exhibit D** is a true and correct copy of the Order Finding of Contempt and  
 10 Imposing Sanctions Against Plaintiff Kurk Benshoof, filed on March 1, 2024, in  
 11 *Benshoof v. Cliber et al.*, King County Superior Court Cause No. 22-2-15958-8 SEA.  
 12. Attached as **Exhibit E** is a true and correct copy of the Bond filed on November 18,  
 13 2024, in *State of Washington v. Kurt Benshoof*, King County Superior Court Cause No.  
 14 24-1-02680-7 SEA,  
 15. According to the King County Department of Adult Detention's "Subject Lookup  
 16 Tool" located at <https://dajd-jms.powerappsportals.us/public/subject-lookup/> as of  
 17 today's date Benshoof is currently in Electronic Home Detention.  
 18. I am aware of this Court's standing order that requires parties to make a meaningful  
 19 effort to confer prior to filing a motion. This party attempted to communicate with  
 20 Plaintiff Benshoof, Gage, and Maggitti over email outlining the arguments of the  
 21 motion to dismiss receiving an email response by Plaintiff Benshoof. In addition, a  
 22 conference call was set for February 3, 2025, at 10am in which Benhoof and Maggitti  
 23

1 participated. Plaintiff Gage did not participate of the call, nor she has responded to the  
2 email communication

3 I declare under penalty of perjury under the laws of the United States of America and the  
4 State of Washington that the foregoing is true and correct.

5 Signed this 3<sup>rd</sup> day of February, 2025 at Seattle, Washington.

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7 Santiago Viola Villanueva

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DECLARATION OF SANTIAGO VIOLA VILLANUEVA  
IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS  
PURSUANT TO FED. R. CIV. P. 12b [No. 3:24-cv-00343-TL] - 3

Leesa Manion (she/her)  
Prosecuting Attorney  
CIVIL DIVISION, Litigation Section  
701 5<sup>th</sup> Avenue, Suite 600  
Seattle, Washington 98104  
(206) 477-1120 Fax (206) 296-0191

# Exhibit A

1  
2 The Honorable Marshall Ferguson  
Hearing Date: March 3, 2023  
3 Without Oral Argument

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7 SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR KING COUNTY

8 KURT BENSHOOF,

9 Plaintiff,

10 v.

11 NATHAN CLIBER, JESSICA OWEN,  
MAGALIE LERMAN, and OWEN  
12 HERMSSEN

13 Defendants.

NO. 22-2-15958-8 SEA

ORDER GRANTING DEFENDANTS'  
JOINT MOTION FOR A VEXATIOUS  
LITIGANT ORDER AGAINST  
PLAINTIFF, AND TEMPORARY ORDER  
RESTRICTING ABUSIVE LITIGATION  
BY KURT BENSHOOF

[Clerk's Action Required]

15 This matter came before the Court on the motion of Defendants Jessica Owen, Nathan  
16 Cliber, Magalie Lerman, and Owen Hermsen's ("Defendants") Joint Motion for a Vexatious  
17 Litigant Order against Plaintiff ("Motion"). The Court considered the records and files herein,  
18 including:

- 19 a) Defendants' Joint Motion;
- 20 b) Declaration of Anthony S. Marinella;
- 21 c) Declaration of Nathan Cliber;
- 22 d) Declaration of Moshe Admon;
- 23 e) Declaration of Magalie Lerman;
- 24 f) Declaration of Owen Hermsen;

25  
ORDER GRANTING JOINT MOTION  
AND TEMPORARY ORDER  
RESTRICTING ABUSIVE LITIGATION  
BY KURT BENSHOOF - 1

JUDGE MARSHALL FERGUSON  
KING COUNTY SUPERIOR COURT  
516 THIRD AVENUE  
SEATTLE WA 98104  
(206) 477-1513

ORIGINAL

- 1           g) Plaintiff's Response to Defendants' Joint Motion for a Vexatious Litigant Order  
 2           Against Plaintiff;  
 3           h) Plaintiff's Fourth Affidavit;  
 4           i) Affidavit of Kurt Benshoof, Plaintiff;  
 5           j) Affidavit of Azhrael Rune Walker;  
 6           k) Defendants' Reply in Support of their Joint Motion for a Vexatious Litigant Order  
 7           Against Plaintiff;  
 8           l) The Reply Declaration of Kyle J. Rekofke; and  
 9           m) The Supplemental Declaration of Moshe Admon.

10           Being otherwise fully advised on the matter, the COURT HEREBY ORDERS:

11           1. Defendants' Joint Motion is GRANTED. The Court concludes that Plaintiff  
 12           Kurt Benshoof is a vexatious litigant, that he has engaged in an extensive pattern of abusive  
 13           litigation and weaponization of the court system against Defendants, and that Defendants are  
 14           entitled to entry of an order restricting Mr. Benshoof's ability to file further abusive legal actions  
 15           against them.

16           2. No later than noon on Friday, March 31, 2023, Defendants shall submit for  
 17           the Court's review a separate proposed order captioned "Order Restricting Abusive Litigation  
 18           Of Kurt Benshoof". The Court intends that the prefiling restrictions contained in such proposed  
 19           order will replace and supersede the prefiling restrictions contained in this Order which, as set  
 20           forth below, only *temporarily* restrict Mr. Benshoof's ability to file new litigation against  
 21           Defendants. All Defendants in the instant lawsuit shall be identified as the protected parties in  
 22           the proposed order. Pursuant to *DeLong v. Hennessey*, 912 F.2d 1144 (9<sup>th</sup> Cir. 1990) and other  
 23           25

1 authorities cited in Defendants' Motion, the proposed order shall list all of Mr. Benshoof's  
 2 abusive case filings and set forth substantive findings of fact regarding the frivolous and  
 3 vexatious nature of his filings. The proposed order should contain the prefiling restrictions set  
 4 forth below and should indicate that the duration of the prefiling restrictions against Mr.  
 5 Benshoof will be five (5) years from the date of entry. The Court will review the proposed  
 6 order and may revise it prior to entry.

8       3. While the Court awaits the finalization of the above-referenced proposed order,  
 9 and to prevent Mr. Benshoof from filing further abusive lawsuits against Defendants in the  
 10 meantime, the Court temporarily imposes the following prefiling restrictions, which are in effect  
 11 immediately and shall not expire until 11:59 p.m. on March 31, 2023.

12     4. Kurt Benshoof is hereby **ENJOINED AND RESTRAINED**, in both an  
 13 individual and in any representative capacity, from initiating any litigation whatsoever in any  
 14 Superior Court in the state of Washington against Defendants, their attorneys, their friends and  
 15 family, or any other person related or connected to Defendants (collectively, "Persons Covered  
 16 by This Order"), unless Mr. Benshoof first obtains advance approval from this Court.

18     5. To obtain advance approval from this Court, Mr. Benshoof shall submit an  
 19 application to the undersigned Judge/Department 31 in the form of a one-page document, in  
 20 twelve-point type, that provides a summary of the parties involved and the proposed claims or  
 21 issues.<sup>1</sup> The proposed complaint/petition shall be attached to the summary. No other exhibits

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24  
 25     <sup>1</sup> Mr. Benshoof shall submit the application by filing it under the current case caption, King County Superior Court  
 Case No. 22-2-15958-8 SEA, with copies served on all parties and counsel of record.

1 or attachments may be included. The Court may, at its discretion, request a response from  
 2 Persons Covered by This Order before ruling on Mr. Benshoof's application.

3       6. Any new case against Persons Covered by This Order filed by Mr. Benshoof  
 4 with Court approval in King County Superior Court shall be assigned to the undersigned  
 5 judge/Department 31.

6       7. If Mr. Benshoof seeks to commence a new action against Persons Covered by  
 7 This Order in a court *other than* a Superior Court, Mr. Benshoof must first bring a motion in  
 8 the other court for leave to proceed with the action. The motion must be filed contemporaneous  
 9 to the filing of the complaint or petition. The motion for leave must demonstrate that good  
 10 cause exists to permit the action to proceed given the claims raised in the new complaint and  
 11 Mr. Benshoof's past litigation abuses. If the reviewing court finds that good cause has not been  
 12 shown for the action to proceed, it may dismiss the action with prejudice. If the reviewing court  
 13 determines that sanctions are warranted, it may impose sanctions at the same time the action is  
 14 dismissed. Mr. Benshoof shall have an opportunity to explain in writing why sanctions should  
 15 not be imposed in a post-dismissal motion for reconsideration within ten (10) days of the  
 16 dismissal.

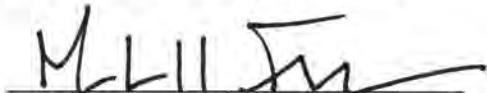
17       8. Mr. Benshoof shall submit a copy of this Order with any future lawsuit he files  
 18 or attempts to file on or before March 31, 2023 in any court, including (but not limited to) any  
 19 federal court.

20       9. Only the prefilings restrictions contained in this Order shall expire on March 31,  
 21 2023. All other provisions of this Order shall remain in effect thereafter.

22       ///

1       10. If Mr. Benshoof fails to abide by the terms of this Order, any party may move, or  
2 the Court *sua sponte* may move, for a finding of contempt and sanctions. A contempt finding  
3 could result in the imposition of jail time as a sanction. The Court has attached the Knight  
4 warnings to this Order.

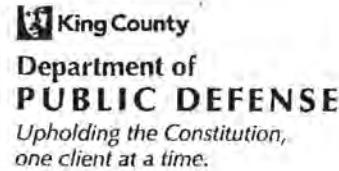
5                     DATED this 3rd day of March, 2023.

6                     

7                     Judge Marshall Ferguson  
8                     King County Superior Court

## **CONTEMPT “KNIGHT” WARNING**

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1. If this court finds you in contempt of court, jail time is an immediate possibility. Consequently, you have a right to counsel.
2. You may hire private counsel at your own expense, but the court is referring you to the Department of Public Defense (formerly the Office of Public Defense) where an attorney will be provided if you cannot afford to hire private counsel. It is your responsibility to contact the Department of Public Defense for screening. You are being provided with the contact information for the Department of Public Defense with this notice.
3. If you do not contact the Department of Public Defense or hire private counsel, your conduct will be deemed dilatory, which means you have failed to follow through on your obligation. As a consequence, the court can find that you have forfeited your right to an attorney.
4. If you are found to have forfeited your right to an attorney, the court will require you to proceed in the matter without representation by counsel. Without an attorney, you risk failing to assert defenses to contempt or effectively explaining to the court why you should not be held in contempt. Without an attorney you also may miss an opportunity to present information that could mitigate or make less severe any sanctions imposed if you are found to be in contempt. Given that I have advised you that a possible sanction for contempt is jail, I urge you seek counsel now.



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3 **Important notice to defendants accused  
of a crime or involved in a dependency action**

4 If you cannot afford a lawyer, you must be screened and determined eligible for a public  
5 defender. There are two ways to be interviewed:

- 6 1. Call the King County Department of Public Defense (DPD) at (206) 477-9727  
Monday through Friday from 8 a.m. to 5 p.m.

- 7 2. Report in person to a DPD screening office:  
8 King County Courthouse, 516 3rd Ave, Room E-820, Seattle  
Mondays and Wednesdays from 8 a.m. to 5 p.m.

9 Maleng Regional Justice Center, 401 4th Ave North, Kent, WA 98032  
Room 1-B

10 Tuesdays and Wednesdays from 8 a.m. to 5 p.m.

11 You can also email [DPDScreening@kingcounty.gov](mailto:DPDScreening@kingcounty.gov) to have a DPD screener contact you.

12 You will likely have a better outcome if you discuss your case with your attorney as soon as  
possible. To see if you qualify for a public defender, contact DPD immediately. Even if an  
13 attorney was originally assigned to you while you were in custody, you must still call DPD  
upon release to see if you continue to qualify. SCREEN EARLY! DON'T WAIT!

14 **Aviso importante a los acusados, acusado de un delito o  
15 involucrados en un caso de dependencia**

16 Si usted no puede pagar a un abogado, debe ser entrevistado y  
determinado elegible para tener un defensor público. Hay dos  
maneras para hacer la entrevista:

- 17 1. Llame el Departamento del Condado de King de los  
Defensores Publicos (DPD) en (206) 477-9727 el lunes al viernes desde las 8:00 AM  
– 5:00 PM

18 2. Aparecer en persona a la Oficina de Defensores Publicos a:  
King County Courthouse, 516 3rd Ave, Seattle, WA 98104

19 **Los lunes y miércoles entre los horarios 8:00 AM – 5:00 PM**  
20 Maleng Regional Justice Center, 401 4th Ave North, Kent, WA 98032  
Sala 1-B

21 **Los martes y miércoles entre los horarios 8:00 AM – 5:00 PM**

22 Usted podría tener los mejores resultados si puede discutir sobre su caso con su abogado lo  
mas pronto que sea posible. Para averiguar si usted califica por tener un defensor público,  
debe comunicarse con DPD inmediatamente aunque ha tenido un defensor público mientras  
23 usted estaba encarcelado, aun debe comunicarse con DPD cuando salga de la cárcel para  
averiguar si sigue siendo elegible. Haga su entrevista pronto.

24 Usted también puede mandar un correo electrónico a [DPDScreening@kingcounty.gov](mailto:DPDScreening@kingcounty.gov) para comunicarse con  
uno de los entrevistadores.

# Exhibit B

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1                   **PRIOR ABUSIVE FILINGS BY MR. BENSHOOF**

2                   **King County Superior Court Cause No. 22-2-02932-3 SEA**

3                 1.       On March 1, 2022, Mr. Benshoof filed his first of several complaints against Ms.  
 4 Owen arising from his claim that Ms. Owen had converted his Toyota FJ Cruiser, which was  
 5 titled in Ms. Owen's name.

6                 2.       After Ms. Owen voluntarily transferred title to Plaintiff, that matter was  
 7 dismissed.

8                 3.       However, and despite the vehicle being voluntarily transferred to him, Plaintiff  
 9 continued to allege facts in this case (and others) regarding the vehicle.

10                  **King County Superior Court Cause No. 22-2-03826-8 SEA**

11                 1.       On March 16, 2022, Plaintiff filed another complaint against Ms. Owen.

12                 2.       In that complaint, Mr. Benshoof alleged claims of constructive fraud and  
 13 infliction of emotional distress relating to a previously shared residence (titled in Ms. Owen's  
 14 name). Further, and similar to the allegations alleged in this matter, Mr. Benshoof claimed that  
 15 Ms. Owen wrongfully filed police reports against him.

16                 3.       On June 24, 2022, Ms. Owen filed a motion to dismiss Mr. Benshoof's claims  
 17 in that lawsuit pursuant to CR 12(c). Judge Robertson granted Ms. Owen's motion on July 22,  
 18 2022, and his claims were dismissed with prejudice. Judge Robertson determined Mr.  
 19 Benshoof's claims were either time-barred or failed to state a claim upon which relief could be  
 20 granted.

21                 4.       As to the claims concerning Ms. Owen's communications with law enforcement,  
 22 those were dismissed because they did not remotely rise to anything close to a viable cause of  
 23 action.

1       5.     Additionally, Judge Robertson's order admonished Mr. Benshoof's filings as  
 2 follows:

3              Plaintiff improperly attempt[ed] to "amend" the complaint via a  
 4 filing of an "amended" complaint coupled with what purports to be  
 5 criminal allegations. These items were all filed on 7/15/22 without  
 6 leave of this court. Plaintiff failed to comply with CR 15 to permit  
 7 an amendment of the complaint. However, *even if* this amended  
 8 complaint were to be considered, it falls under the same merits as  
 9 above [time-barred & failure to state a claim upon which relief can  
 10 be granted].

11              Plaintiff's Response to this motion was improper and untimely, and  
 12 Plaintiff failed to follow local rules regarding service of working  
 13 copies to the Court. However, the response was given consideration  
 14 by this Court as if it were filed timely. In this Response, Plaintiff  
 15 failed to provide any legal basis to deny Defendant's motion [to  
 16 dismiss].

17              **King County Superior Court Case No. 22-2-1112-7 SEA**

18       1.     On July 18, 2022, Mr. Benshoof filed an 85-page Petition for Writ of Habeas  
 19 Corpus and named Mr. Cliber, Judge David Keenan, Commissioner Jason Holloway, Ms.  
 20 Owen, Ms. Lerman, and one other individual as Respondents. The writ was denied three days  
 21 after it was filed and the case was dismissed.

22              **King County District Court Cause No. 22CIV11976KCX**

23       1.     On August 2, 2022, Mr. Benshoof attempted to obtain an anti-harassment  
 24 protection order against Mr. Cliber based on Mr. Cliber's representation of Ms. Owen in the  
 25 Parentage Action. The court denied Mr. Benshoof's request.

26              **U.S District Court for the Western District of Washington Cause No. 2:22-cv-  
 27 01281-LK and King County Superior Court Cause No. 22-2-15745-3 SEA**

28       1.     Following Judge Robertson's dismissal of his claims, Mr. Benshoof filed two  
 29 other complaints against Ms. Owen on September 9, 2022, and September 29, 2022,  
 30 respectively.

31              ORDER RESTRICTING ABUSIVE LITIGATION OF KURT  
 32 BENSHOOF - 3

33              TOMLINSON  
 34 BOMSZTYK  
 35 RUSS

36              1000 Second Avenue, Suite 3660,  
 37 Seattle, Washington 98104-1048  
 38 P/ 206.621.1871 F/ 206.621.9907

2. In the first of these two actions (the “Federal Action”), Mr. Benshoof filed a litany of allegations against dozens of people, including all named Defendants here and multiple sitting King County Superior Court Judges.

3. On September 26, 2022, Judge Lauren King dismissed Mr. Benshoof's nearly 300-page complaint *sua sponte*.

4. Three days later, Mr. Benshoof filed another action which was nothing short of a re-filing on the exact same claims previously dismissed by Judge Robertson (King Co. Sup. Ct. No. 22-2-15745-3).

**King County Superior Court Cause No. 22-2-15958-8 SEA (this case)**

1. On October 3, 2022, Mr. Benshoof filed the present action. When Ms. Owen sought to consolidate this matter with the other matter assigned to Judge Robertson, Mr. Benshoof filed an affidavit of prejudice. This was a concerted effort to circumvent the prior orders of the Superior Court.

2. This case marked the fifth civil complaint filed by Mr. Benshoof against Ms. Owen in a nine-month period. In this action, Mr. Benshoof cited to the above-mentioned, previously adjudicated matters, King County Superior Court Cause Nos. 21-5-00680-6 SEA and 21-2-11149-8 SEA, alleging, among other things, "Defendants Cliber and Owen illegally or improperly perverted the King County Family Court system against Plaintiff."

3. When Ms. Owen and Mr. Cliber availed themselves of the protections found in Ch. 4.105 RCW, Mr. Benshoof responded by threatening to file yet more litigation against the same parties arising out of the same “facts”.

4. On March 17, 2023, this Court dismissed the one remaining claim asserted by Mr. Benshoof after having previously dismissed all other claims.

Based on the factual findings above, this Court concludes that Mr. Benshoof has engaged in an extensive pattern of abusive litigation and weaponization of the court system against these defendants, their friends and family, and their attorneys. This pattern of abusive litigation has taken a significant emotional and financial burden on the defendants. Accordingly, the Court imposes the following filing restrictions against Mr. Benshoof.

## **FILING RESTRICTIONS**

Based on the pattern of abusive litigation detailed above, the court enters the following filing restrictions which will apply to any and all future litigation Mr. Benshoof may attempt to bring. These restrictions shall be in effect for five (5) years from the date of the entry of this order.

1. Kurt Benshoof is hereby **ENJOINED AND RESTRAINED**, in both an individual and in any representative capacity, from initiating any litigation whatsoever in any Superior Court in the state of Washington against Defendants, their attorneys, their friends and family, or any other person related or connected to Defendants (collectively, "Persons Covered by This Order"), unless Mr. Benshoof first obtains advanced approval from this Court.

2. To obtain advance approval from this Court, Mr. Benshoof shall submit an application to the undersigned Judge/Department 31 in the form of a one-page document, in twelve-point type, that provides a summary of the parties involved and the proposed claims or issues.<sup>1</sup> The proposed complaint/petition shall be attached to the summary. No other

<sup>1</sup> Mr. Benshoof shall submit the application by filing it under the current case caption, King County Superior Court Case No. 22-2-15958-8 SEA, with copies served via e-mail on all parties and counsel of record.

1 exhibits or attachments may be included. The Court may, at its discretion, request a response  
 2 from Persons Covered by This Order before ruling on Mr. Benshoof's application.

3       3. Any new case against Persons Covered by This Order filed by Mr. Benshoof  
 4 with Court approval in King County Superior Court shall be assigned to the undersigned  
 5 judge/Department 31.

6       4. If Mr. Benshoof seeks to commence a new action against Persons Covered by  
 7 This Order in a court *other than* a Superior Court, Mr. Benshoof must first bring a motion in  
 8 the other court for leave to proceed with the action. The motion must be filed  
 9 contemporaneous to the filing of the complaint or petition. The motion for leave must  
 10 demonstrate that good cause exists to permit the action to proceed given the claims raised in  
 11 the new complaint and Mr. Benshoof's past litigation abuses. If the reviewing court finds  
 12 good cause has not been show for the action to proceed, it may dismiss the action with  
 13 prejudice. If the reviewing court determines that sanctions are warranted, it may impose  
 14 sanctions at the same time the action is dismissed. Mr. Benshoof shall have an opportunity to  
 15 explain in writing why sanctions should not be imposed in a post-dismissal motion for  
 16 reconsideration within ten (10) days of the dismissal.

17       5. Mr. Benshoof shall submit a copy of this Order with any future lawsuit he files  
 18 or attempts to file in any court, including (but not limited to) any federal court.

19       6. If Mr. Benshoof fails to abide by the terms of this Order, any party may move,  
 20 or the Court *sua sponte* may move, for a finding of contempt and sanctions. A contempt  
 21 finding could result in the imposition of jail time as a sanction. The Court has attached the  
 22 Knight warnings to this Order.

23  
 ORDER RESTRICTING ABUSIVE LITIGATION OF KURT  
 BENSHOOF - 6

TOMLINSON  
 BOMSZTYK  
 RUSS  
 1000 Second Avenue, Suite 3680,  
 Seattle, Washington 98104-1046  
 P/ 206.621.1871 F/ 206.621.9907

DONE this 31st day of March, 2023.

M. L. Ferguson  
The Hon. Marshall Ferguson

Presented by:

GORDON REES SCULLY MANSUKHANI, LLP

By: s/ Kyle J. Rekofke

Kyle J. Rekofke, WSBA #49327

Attorney for Defendant Nathan Cliber

## TOMLINSON BOMSZTYK RUSS

By: AM  
Anthony S. Marinella, WSBA #55611  
Attorney for Defendant Jessica Owen

ADMON LAW FIRM , PLLC

By: /s/ Moshe Y. Admon  
Moshe Y. Admon  
Attorney for Defendants Lerman and HermSEN

**ORDER RESTRICTING ABUSIVE LITIGATION OF KURT BENSHOOF - 7**

TOMLINSON  
BOMSZTYK  
RUSS

1000 Second Avenue, Suite 3660,  
Seattle, Washington 98104-1046  
P/ 206.621.1871 F/ 206.621.9907

# **CONTEMPT “KNIGHT” WARNING**

1. If this court finds you in contempt of court, jail time is an immediate possibility. Consequently, you have a right to counsel.
  2. You may hire private counsel at your own expense, but the court is referring you to the Department of Public Defense (formerly the Office of Public Defense) where an attorney will be provided if you cannot afford to hire private counsel. It is your responsibility to contact the Department of Public Defense for screening. You are being provided with the contact information for the Department of Public Defense with this notice.
  3. If you do not contact the Department of Public Defense or hire private counsel, your conduct will be deemed dilatory, which means you have failed to follow through on your obligation. As a consequence, the court can find that you have forfeited your right to an attorney.
  4. If you are found to have forfeited your right to an attorney, the court will require you to proceed in the matter without representation by counsel. Without an attorney, you risk failing to assert defenses to contempt or effectively explaining to the court why you should not be held in contempt. Without an attorney you also may miss an opportunity to present information that could mitigate or make less severe any sanctions imposed if you are found to be in contempt. Given that I have advised you that a possible sanction for contempt is jail, I urge you seek counsel now.

The logo for the King County Department of Public Defense. It features a stylized 'K' icon followed by the text "King County" and "Department of PUBLIC DEFENSE". Below this, the slogan "Upholding the Constitution, one client at a time." is written in a smaller font.

**Important notice to defendants accused  
of a crime or involved in a dependency action**

If you cannot afford a lawyer, you must be screened and determined eligible for a public defender. There are two ways to be interviewed:

**1. Call the King County Department of Public Defense (DPD) at (206) 477-9727  
Monday through Friday from 8 a.m. to 5 p.m.**

**2. Report in person to a DPD screening office:  
King County Courthouse, 516 3rd Ave, Room E-820, Seattle  
*Mondays and Wednesdays from 8 a.m. to 5 p.m.***

**Maleng Regional Justice Center, 401 4th Ave North, Kent, WA 98032  
Room 1-B**

You can also email [DPDScreening@kingcounty.gov](mailto:DPDScreening@kingcounty.gov) to have a DPD screener contact you.

You will likely have a better outcome if you discuss your case with your attorney as soon as possible. To see if you qualify for a public defender, contact DPD immediately. Even if an attorney was originally assigned to you while you were in custody, you must still call DPD upon release to see if you continue to qualify. SCREEN EARLY! DON'T WAIT!

**Aviso importante a los acusados, acusado de un delito o involucrados en un caso de dependencia**  
Si usted no puede pagar a un abogado, debe ser entrevistado determinado elegible para tener un defensor público. Hay dos maneras para hacer la entrevista:

1. Llame el Departamento del Condado de King de los Defensores Publicos (DPD) en (206) 477-9727 el lunes al viernes desde a las 8:00 AM - 5:00 PM

2. Aparecer en persona a la Oficina de Defensores Publicos a:  
King County Courthouse, 516 3rd Ave, Seattle, WA 98104  
**Los lunes y miércoles entre los horarios 8:00 AM – 5:00 PM**  
Maleng Regional Justice Center, 401 4th Ave North, Kent, WA 98032

Sala 1-B

**Los martes y miércoles entre los horarios 8:00 AM – 5:00 PM**

Usted podría tener los mejores resultados si puede discutir sobre su

Page 10

mas pronto que sea posible. Para averiguar si usted califique po-

Usted podria tener los mejores resultados si puede discutir sobre su caso con su abogado lo mas pronto que sea posible. Para averiguar si usted califique por tener un defensor publico, debe comunicarse con DPD inmediatamente aunque ha tenido un defensor publico mientras usted estaba encarcelado, aun debe comunicarse con DPD cuando salga de la carcel para averiguar si sigue ser elegible. Haga su entrevista pronto.

Usted tambien puede mandar un email a [DPDScreening@kingcounty.gov](mailto:DPDScreening@kingcounty.gov) para comunicarse con uno de los entrevistadores.

# Exhibit C

## CLERK'S MINUTES

Judicial Officer: Marshall L Ferguson

Dept. 31

Bailiff: Kiese Wilburn

Date: February 29, 2024

Court Clerk: Andre Jones

Digital Recorder / KCCH E713

Reporter:

**KING COUNTY CAUSE NO.: 22-2-15958-8 SEA**

**BENSHOOF VS CLIBER ET AL**

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**Appearances:**

Plaintiff KURT BENSHOOF is present Pro Se (appearing by zoom)

Defendant NATHAN CLIBER is not present, represented by Kyle Rekofke (appearing by zoom)

Defendant JESSICA OWEN is present pro se (appearing by zoom)

Defendant MAGALIE LERMAN is not present, represented by Moshe Yiftah Admon, Blair Russ (appearing by zoom)

Defendant OWEN HERMSEN is not present, represented by Moshe Yiftah Admon, Blair Russ (appearing by zoom)

### **MINUTE ENTRY**

Commit as: Motion hearing

Start: 1:02:15

Judge Marshall Ferguson, Bailiff, and Clerk are present in open Court and via Zoom, with parties appearing remotely via Zoom.

Respective counsel and parties are present

Defendant Owen's motion for contempt and sanctions against Benshoof

Counsel/Pro Se Plaintiff make oral arguments

Court's ruling: Defendant Owen's motion for contempt and sanctions against Benshoof is granted

Orders to be presented

Stop: 2:07:10

# Exhibit D

ØSSÖ  
GEG ÁT DEÜ ÁFEGHEÁUT The Honorable Marshall Ferguson  
SØÓÐUWPVÝ  
ÙWÚÒÜWÜÅUWÜVÅSHÖÜS  
ØEØSSÖ  
ÔDEÙÒÅKGGEGÍ JÍ Ì ÅUÒOE

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING**

KURT BENSHOOF,

Plaintiff,

V.

NATHAN CLIBER, JESSICA OWEN and  
MAGALIE LERMAN,

## Defendants.

Case No. 22-2-15958-8 SEA

**ORDER FINDING OF CONTEMPT  
AND IMPOSING SANCTIONS  
AGAINST PLAINTIFF KURT  
BENSHOOF**

This matter comes before the Court on Defendant Nathan Cliber's Motion for Finding of Contempt and Sanctions Against Plaintiff Kurt Benshoof ("Cliber's Motion"), Defendant Jessica Owen's Motion for Finding and Contempt and Sanctions Against Plaintiff Kurt Benshoof ("Owen's Motion"). The Court considered the arguments of the parties, the documents and pleadings on file herein, including the following:

- Cliber's Motion;
  - The Declaration of Sarah N. Turner in Support of Cliber's Motion;
  - Plaintiff's Opposition to Cliber's Motion;
  - Defendant Nathan Cliber's Reply in Support of Cliber's Motion;
  - Owen's Motion;
  - The Declaration of Jessica Owen in Support of Owen's Motion;
  - The Declaration of Paige Gagliardi in Support of Owen's Motion;

- 1           •     The Declaration of Moshe Y. Admon in Support of Cliber's and Owen's Motions;
- 2           •     Plaintiff's Opposition to Owen's Motion; and
- 3           •     Defendant Jessica Owen's Reply in Support of Owen's Motion.

4                 Based upon such review and consideration, the Court GRANTS both Cliber's Motion and  
 5                 Owen's Motion, and enters the following FINDINGS OF FACT and CONCLUSIONS OF LAW:

6                 1.         Plaintiff has disregarded and failed to comply with this Court's Order Restricting  
 7                 Abusive Litigation of Kurt Benshoof (the "Abusive Litigation Order") (Dkt. 189) in his filing and  
 8                 attempted service of new claims and causes of action in Western District of Washington Case No.  
 9                 2:23-cv-01392-JNW and Western District of Washington Case No. 2:23-cv-01829-JHC (now  
 10                 JNW) upon Defendants Nathan Cliber, Jessica Owen, and the other "Persons Covered by This  
 11                 Order" (as those persons are defined in the Abusive Litigation Order);

12                 2.         Specifically, Plaintiff failed to file a contemporaneous motion for leave to proceed  
 13                 with his claims against Mr. Cliber, Jessica Owen and other Persons Covered by This Order (as  
 14                 those persons are defined in the Abusive Litigation Order) in both Case No. 2:23-cv-01392-JNW  
 15                 and Case No. 2:23-cv-01829-JHC, as required by the Abusive Litigation Order (at p. 6, ¶ 4);

16                 3.         Plaintiff also failed to file a copy of the Abusive Litigation Order with the federal  
 17                 court in Case No. 2:23-cv-01829-JHC, as required by the Abusive Litigation Order (at p. 6, ¶ 5);

18                 4.         In Case No. 2:23-cv-01392-JNW, Plaintiff did file a copy of the Abusive Litigation  
 19                 Order, but he did so by burying the order among 2,034 pages of exhibits to his complaint. Plaintiff  
 20                 filed a 184-page original complaint and later a 280-page amended complaint in Case No. 2:23-cv-  
 21                 01392-JNW. Plaintiff's 2,034-page exhibit filing occurred on September 26, 2023, seven calendar  
 22                 days after Plaintiff filed the original complaint. Within the 2,034 pages of exhibits, the Abusive  
 23                 Litigation Order can be found at Pages 563 through 571. Plaintiff buried the Abusive Litigation  
 24                 Order among numerous other exhibits to reduce the likelihood that the federal court would become  
 25                 aware of the order;

1       5. Plaintiff is in contempt of court for violating the Abusive Litigation Order.  
 2

3       6. The Abusive Litigation Order warned Mr. Benshoof that if he “fails to abide by the  
 4 terms this Order, any party may move, or the Court *sua sponte* may move, for a finding of contempt  
 5 and sanctions. A contempt finding could result in the imposition of jail time as a sanction.”  
 6 Abusive Litigation Order (p. 6, ¶ 6);

7       7. The Abusive Litigation Order included the Knight<sup>1</sup> warnings as an attachment;  
 8

9       8. The Abusive Litigation Order clearly and unequivocally states that the filing  
 10 restrictions in the order “apply to any and all future litigation Mr. Benshoof may attempt to bring”  
 11 against the protected persons. Abusive Litigation Order, p. 5. The order further states that Mr.  
 12 Benshoof is “**ENJOINED AND RESTRAINED**...from initiating any litigation whatsoever in  
 13 any Superior Court in the state of Washington... unless Mr. Benshoof first obtains advanced  
 14 approval from this Court” and that “If Mr. Benshoof seeks to commence a new action...in a court  
 15 *other than* a Superior Court, Mr. Benshoof must first bring a motion in the other court for leave to  
 16 proceed with the action.” Id., p. 5, ¶ 1 and p. 6, ¶ 4. Although the Abusive Litigation Order is  
 17 clear and unambiguous, the Court now clarifies, as guidance for Mr. Benshoof, that terms like “any  
 18 and all future litigation” and “new action” in the Abusive Litigation Order include all claims,  
 19 counterclaims, crossclaims, third party actions, and any other claims whatsoever brought by Mr.  
 20 Benshoof in any court against the “Persons Covered by This Order” as defined in the Abusive  
 21 Litigation Order.

22       9. Although the present Order does not include jail time as a sanction, any future  
 23 violation(s) of the Abusive Litigation Order by Mr. Benshoof could potentially result in jail time  
 24 as a remedial or punitive sanction.

25       ///

26       ///

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<sup>1</sup> *State ex rel. Schmitz v. Knight*, 142 Wn. App. 291, 174 P.3d 1198 (2007).

1           Based upon the above findings of fact and conclusions of law, the Court ORDERS the  
2 following sanctions:

3           A.     Mr. Benshoof is ordered to pay the attorneys' fees and costs incurred by Defendants  
4 in bringing their respective motions for finding of contempt and sanctions against Mr. Benshoof,  
5 including supporting filings, declarations, and replies. Defendants shall submit their respective  
6 fee petitions to the Court within **14 days** of this Order.

7           B.     Mr. Benshoof shall pay the attorneys' fees and costs incurred by Mr. Cliber in  
8 bringing the Abusive Litigation Order to the attention of the federal court in Western District of  
9 Washington Case No. 2:23-cv-01392-JNW and Western District of Washington Case No. 2:23-  
10 cv-01829-JHC (now JNW). Mr. Cliber shall submit his fee petition to the Court within **14 days**  
11 of this Order.

12           C.     The Abusive Litigation Order's expiration date is extended by one year, to **March  
13 31, 2029.**

14           D.     Mr. Benshoof shall file the leave motion ("Leave Motion") required by the Abusive  
15 Litigation Order in both Western District of Washington Case No. 2:23-cv-01392-JNW and  
16 Western District of Washington Case No. 2:23-cv-01829-JHC (now JNW) as to any and all  
17 Persons Covered by This Order, excluding Mr. Cliber, and including Moshe Admon, Owen  
18 Hermsen, Magalie Lerman, Jessica Owen, and Blair Russ (collectively, "Other Named Defendants  
19 Covered by this Order"). Such motion ("Leave Motion") shall be captioned "Motion for Leave to  
20 Proceed Against Certain Parties in Accordance with the Order Restricting the Abusive Litigation  
21 of Kurt Benshoof" and shall conspicuously identify the Abusive Litigation Order in the statement  
22 of facts. Plaintiff shall attach a copy of the Abusive Litigation Order as an exhibit to a separately  
23 filed supporting declaration, appendix, or addendum to the Leave Motion.

24           E.     Upon filing the Leave Motions, Mr. Benshoof shall file proof in this action of such  
25 filings in the federal court cases. Absent obtaining leave to proceed against the Other Named  
26

Defendants Covered by this Order, Mr. Benshoof shall refrain from taking any action in pursuit of his claims against those individuals including but not limited to, attempting effectuate service and seeking affirmative relief in any form. To the extent necessary to comply with an impending deadline, Mr. Benshoof may seek to extend that deadline to an extent necessary to accommodate a ruling on the Leave Motion.

F. Beginning one calendar week from the entry of this Order, for each day Mr. Benshoof has failed to file the Abusive Litigation Order's required leave motion in BOTH pending actions, or otherwise dismissed claims in those actions against the Other Named Defendants Covered by This Order, an ongoing remedial sanction shall be entered against him in the amount of \$250 per day, per Other Defendant Covered by This Order. Mr. Benshoof shall deposit such accrued amounts in the King County Superior Court Registry under this cause number and the Other Named Defendants may, at their option, apply for disbursement or seek to enter a judgment for any accrued amounts not so deposited.

G. For any further legal proceedings filed by Mr. Benshoof in violation of the Abusive Litigation Order, he shall be assessed, in addition to any other sanction which may be imposed, a per diem sanction of \$250.00 per day per Person Covered by the Order named as a defendant in such action.

DATED this 1st day of March, 2024.

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## THE HONORABLE MARSHALL FERGUSON

King County Superior Court  
Judicial Electronic Signature Page

Case Number: 22-2-15958-8

Case Title: BENSHOOF VS CLIBER ET AL

Document Title: ORDER RE CONTEMPT SANCTIONS

Signed By: Marshall Ferguson

Date: March 01, 2024



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Judge: Marshall Ferguson

This document is signed in accordance with the provisions in GR 30.

Certificate Hash: A4ABB09C7C1D81F742E845B69E1C4CD6FEAA5E8C

Certificate effective date: 7/17/2023 2:21:34 PM

Certificate expiry date: 7/17/2028 2:21:34 PM

Certificate Issued by: C=US, E=kcscefiling@kingcounty.gov, OU=KCDJA,  
O=KCDJA, CN="Marshall Ferguson:  
8skMktsk7hG1yuM6zbJ6iw=="

# Exhibit E

Q\$OÖ  
GEG ÁPUXAFI  
SØÖÅOUWPVY  
ÙWÚÒÜØÜÅOUWÜVÅSHÖÜS  
ÔOEÙÒÅKÍG ÆÆG I ÈE ÅJØE

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

STATE OF WASHINGTON

,

Plaintiff

vs.

Kurt Benshoof

,

Defendant

NO. 24-1-02680-7 SEA

BOND is attached.

2024-008067  
20:41  
11 EVB -02L

<b>United States Fire Insurance Company</b> 11490 Westheimer Rd., Suite 300 77077 P.O. Box 2807 • Houston, Texas 77252-2807 (713) 954-1800 • FAX (713) 954-8389 Email: <a href="mailto:CourtNotices@cfins.com">CourtNotices@cfins.com</a>	<b>Bail Producer's Name, Address, Phone and Bail License #</b> <b>ALL CITY BAIL BONDS</b> 601 6th AVE Seattle, WA 98104 206-622-9999 P.O BOX 24307 Seattle, WA 98124
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Power of Attorney # U250-21826751

In the King Co Superior Court, County of King Washington

The State of Washington No. 24.1.02680.7

VS:

Kurt Benshoof  
Defendant

Know All Men by These Presents:

That we Kurt Benshoof as Principal and United States Fire Insurance Company, a Delaware Corporation, as Surety are held and firmly bound to the King Co Superior Court in the Penal Sum of 250,000.00 Dollars (\$ 250,000.00), for the payment of which will and truly to be made, we bind ourselves and our heirs, executors, and administrators firmly by these presents.

Now the conditions of the above obligation are such that if the above named principal shall be and appear before the King Co Superior Court, County of King, State of Washington on this date: \_\_\_\_\_ at \_\_\_\_\_.M. to answer the charge of Stalking, Eluding Police x2 and from day to day thereafter as ordered and not depart therefrom without permission of the court, then this obligation is void, otherwise to remain in full force and effect.

Signed this date: 11/14/2024

Defendant

Attorney in Fact

THIS BOND IS VOID IF WRITTEN FOR AN AMOUNT GREATER THAN THE POWER OF ATTORNEY ATTACHED HERETO, IF MORE THAN ONE SUCH POWER IS ATTACHED OR WRITTEN AFTER THE EXPIRATION DATE SPECIFIED ON THE ATTACHED.

Approved by me this date: \_\_\_\_\_

NOTE: THIS IS AN APPEARANCE BOND AND CONNOT BE CONSIDERED AS A GUARANTEE FOR FAILURE TO PROVIDE PAYMENTS, BACK ALIMONY PAYMENTS, FINES, OR WAGE LAW CLAIMS, NOR CAN IT BE USED AS A BOND ON APPEAL.

APPROVED AS TO FORM BY  
KC PROS. ATTORNEY

Washington Face Sheet USFIC

DATE 11/15/24

FOR SECURITY PURPOSES, THE FACE OF THIS DOCUMENT CONTAINS A VOID PANTOGRAPH PRINTED ON SECURITY PAPER WITH A TRUE WATERMARK

UNITED STATES FIRE INSURANCE COMPANY  
 157 Main Street, Greenville, PA 16125  
 PO. Box 806, Greenville, PA 16125  
 (800) 245-0366 | FAX (724) 588-8801  
 Email: CourtNotices@cfins.com

**POWER OF ATTORNEY****POWER NO. \*\*\*U250-21826751\*\*\*****POWER AMOUNT \$ \*\*\*250,000.00\*\*\***

This Power of Attorney is granted pursuant to Article IV of the By-Laws of UNITED STATES FIRE INSURANCE COMPANY as now in full force and effect. Article IV, Execution of Instruments. Except as the Board of Directors may authorize by resolution, the Chairman of the Board, President, Vice President, Assistant Vice President, Secretary or any Assistant Secretary shall have power on behalf of the Corporation: (a) to execute, affix the corporate seal manually or by facsimile to, acknowledge, verify and deliver any contracts, obligations, instruments and documents whatsoever in connection with its business, including, without limiting the foregoing, any bonds, guarantees, undertakings, recognizances, powers of attorney or revocations of any powers of attorney, stipulations, policies of insurance, deeds, leases, mortgages, releases, satisfactions and agency agreements; (b) to appoint in writing, one or more persons for any or all of the purposes mentioned in the preceding paragraph (a) including affixing the seal of the Corporation. Authority of such Attorney-In-Fact is limited to appearance bonds and cannot be construed to guarantee defendants future lawful conduct, adherence to travel limitations, fines, restitution, payments or penalties of any other condition imposed by a court not specifically related to court appearance.

This Power of Attorney is for use with Bail Bonds only. Not valid if used in connection with Federal Bonds or Immigration Bonds. This power void if altered or erased, void if used with other powers of this Company or in combination with powers from any other surety company, void if used to furnish bail in excess of the stated face amount of this power, and can only be used once.

The obligation of the Company shall not exceed the sum of \*\*\*Two Hundred Fifty Thousand Dollars and Zero Cents\*\*\* and provided this Power of Attorney is filed with the bond and retained as a part of the court records. The said Attorney-In-Fact is hereby authorized to insert in this Power of Attorney the name of the person on whose behalf this bond was given.

IN WITNESS WHEREOF, UNITED STATES FIRE INSURANCE COMPANY has caused these presents to be signed by its duly authorized officer, proper for the purpose and its corporate seal to be hereunto affixed this 14 of Nov 2024

Bond Amount \$ 250,000.00 Gross Premium \$ \_\_\_\_\_

Defendant Kurt Benshoof

Charges Stalking, eluding police +2  
 Court King Co Superior  
 Case No. 24-1-02680-7

City Seattle State Wa

If rewrite, original No. \_\_\_\_\_

Executing agent C. Price  
 NAME \_\_\_\_\_



By Michael Ziemer  
 Senior Vice President

VOID IF NOT ISSUED BY: 03/31/2025

**FOR STATE USE ONLY**  
**NOT VALID IF USED IN FEDERAL COURT**

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES A SECURITY BACKER